

1 **CRAIG ORENT, E.S.Q.**

2 State Bar #015512

3 **ORENT LAW OFFICES, PLC**

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6 Attorney for Defendant

7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE DISTRICT OF ARIZONA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 DRITAN DEDA,

13 Defendant.

Case No: CR20-00336-TUC-DCB

14

15

16 **DEFENDANT'S OBJECTION TO**

17 **PRESENTENCE REPORT**

18 Defendant, Dritan Deda, through undersigned counsel, respectfully submits the following
19 objection to the draft presentence report.

20 **I. OBJECTION TO PARAGRAPHS 24, 26, & 27:**

21 **A. DEFENSE POSITION**

22 Summarily, the objection is that the conviction and sentence from ¶ 24 should not result in
23 three Criminal History (“CH”) points because the sentence was imposed and finished more than 15
24 years before the commission of the underlying offense. As a result, the CH points should be 9
25 instead of 12, and the CH category should be IV (24-30 mos.) instead of V (30-37 mos.).

26 According to Application Note to §4A1.1(a), three points are added to the CH Cat.
27 calculation for each prior sentence that exceeds one year and one month. But to apply, that sentence
28 must have been imposed within 15 years before the commencement of the underlying offense;
alternatively, “the defendant’s incarceration [for that case must have] extended into the fifteen-year
period.” *Id.* (emphasis added). *See also* §4A1.2(e)(1) (“Also count any prior sentence of
imprisonment exceeding one year and one month, whenever imposed, that resulted in the defendant
being incarcerated during any part of such fifteen-year period.” (emphasis added)).

1 In addition, the application note to §4A1.2 (App. Note 2) states, “[f]or purposes of applying
 2 §4A1.1(a), (b), or (c), [meaning for calculating solely if the sentence warrants 1, 2, or 3 points] the
 3 length of a sentence of imprisonment is the stated maximum (e.g., [i]n the case of an indeterminate
 4 sentence of one to five years, the stated maximum is five years. . .) . . . That is, *criminal history*
 5 *points* [as distinguished from whether the sentence, outside of 15 years, extended into the 15-year
 6 window] are based on the sentence pronounced, not the length of time actually served.” (emphasis
 7 added).

8 The sentence in ¶ 24 was imposed on 12/11/2002 and was an indeterminate sentence of 13
 9 mos. to 10 years in prison (“BOP”). Thus, at the outset, for purposes of §4A1.1(a) (adding three
 10 points), the maximum sentence was 10 years, and would preliminarily qualify for adding three CH
 11 points because the “imposed” sentence was 10 years and exceeds “one year and one month.”

12 However, the sentence was imposed more than 15 years before the commencement of the
 13 underlying crime (imposed on 12/11/2002; start date of underlying crime was December 30, 2019,
 14 with the 15-year cutoff being 12/9/2004). Therefore, the prior sentence could qualify for 3 points
 15 only if Mr. Deda was “incarcerated” (*see supra.*) because of this sentence beyond 12/9/2004. Given
 16 a commonsense, reasonable assessment and analyses of the existing, known record, Mr. Deda
 17 suggests he was not “incarcerated” for the particular case referenced in ¶24 beyond 12/9/2004, the
 18 15-year endpoint.

19 The sentence in ¶ 25 was imposed on 3/13/2003 (3 months, 2 days after imposition of the
 20 sentence in ¶ 24) and was 23 to 48 mos. to run consecutive to the sentence in ¶ 24. *See ¶25 & Ex. A.*
 21 Because the two sentences were to run consecutive, and the minimum sentence to be served under ¶
 22 24 was 13 months (which would have ended on 1/11/2004 – before the start of the 15-year cutoff of
 23 12/9/2004), there is no evidence in the record or other showing that Mr. Deda was “incarcerated”
 24 because of ¶ 24 beyond and into the 15-year timeframe. In fact, it appears from the records that he
 25 served less than 13 mos. before the ¶ 25 sentence began.

26 The plea agreement from ¶ 24 expressly states, “Sentencing Agreement to no more than 13
 27 (thirteen months) to run concurrently with each other on each count.” **Ex. B.** And the sentencing
 28 abstract typed notes similarly say, “Pros recommend 13 month cap on min. Ct accepts plea.” **Ex. C.**

1 Additionally, Mr. Deda received 252 days of credit for time served against that sentence, meaning he
 2 had just 138 days (or approximately four months, 18 days) to serve before the second (consecutive)
 3 sentence began.

4 After combining the minimum 23 months sentence from ¶ 25 with the minimum sentence of
 5 13 months (minus credit for time served), the approximate release date would coincide with the
 6 actual release date listed in both paragraphs: 2/22/05. This observation further supports the
 7 conclusion that the sentence from the first case (¶24) had concluded before the 15-year marker or
 8 starting point.

9 For further clarification, the end of the remaining sentence of 4 mos., 18 days (after the credit
 10 reduction) from the date of sentencing in the first case was April 29, 2003, which means that as of
 11 the sentencing date in the second case (on 3/13/2003), Mr. Deda had just 47 days to serve before the
 12 next sentence began (on 4/29/2003). Mr. Deda was released from Michigan prison to ICE on
 13 2/22/2005, just under approximately 22 months (he had 23 months to serve on his second sentence).

14 Consequently, the evidence reflects that Mr. Deda's incarcerations (from ¶ 24) of 13 months
 15 (minus the CTS) was completed before the 15-year mark. And, because he was not "incarcerated
 16 during any part of such fifteen-year period," that sentence cannot be counted or receive any CH
 17 points.

18 **B. POTENTIAL CONTRARY POSITION**

19 Upon notifying the assigned prosecutor, and through her, the PSR writer ("PO"), the PO
 20 responded that he would modify – or update – the draft-PSR, in part because the case referenced in
 21 ¶24 was so old that there were no elucidating records. However, the PO later reported that his
 22 supervisor contacted someone (Sharleen Buck) at the Michigan Department of Corrections
 23 ("MDOC"), and as a result, there would be no modification.

24 As a result, undersigned communicated with Ms. Buck by email and later by telephone,
 25 seeking an explanation and clarification. Ms. Buck confirmed that Mr. Deda's file no longer exists
 26 and that there is no digital record because of a change in computer systems. However, Ms. Buck
 27 indicated she had sufficient data to opine that Mr. Deda was incarcerated on all of his cases –
 28 including the one from ¶24 – up until his release to ICE on 2/22/2005 (into the 15-year window).

1 Respectfully, this opinion seems to fly in the face of and to be incompatible with a practical
2 review of and deduction from the documentary record, as we know it. Consequently, Mr. Deda and
3 defense counsel maintain the stated objection.

4 **II. CLOSING**

5 Therefore, Mr. Deda, through undersigned counsel, objects to ¶¶24, 26, & 27 and suggests
6 the applicable CH should be IV (24-30 mos.) instead of V (30-37 mos.).

7 Respectfully submitted on August 31, 2020

8 /s/ **Craig Orent**

9 Craig Orent, Esq.
Attorney for Defendant

10 **CERTIFICATE OF SERVICE**

11 I certify that on August 31, 2020, I electronically transmitted the attached document to the Clerk's Office using the ECF
12 System for filing and transmittal to the following ECF registrants:

13 Heather Nicole Siegel, Esq.
Assistant United States Attorney

14 Eric G. Nuñez
U.S. Probation Officer

ATTACHMENT A

Attys; P-Mccririe/D-Niskar;
 Mdoc-min 23 mos, max 48 mos;
 Consecutive w/02-12867-fh &
 concurrent w/ea other & St.
 Clair county case 02-2828;
 drb

CRT
 CRT
 CRT
 CRT
 CRT
 CRT
 CRT

SENTENCE PRISON:	MINIMUM	MAXIMUM	CREDIT
CONSECUTIVE	YYY- 23-DDD	YYY- 48-DDD	YYY-MMM-DDD
BEGIN 03/13/03			
\$60.00 CRIME VICTIM RIGHTS		60.00 DNA SPECIMEN FEE	
61	00002 SENTENCING		CRT WCC
	Mdoc-min 23 mos, max 48 mos;		CRT
SENTENCE PRISON:	MINIMUM	MAXIMUM	CREDIT
CONSECUTIVE	YYY- 23-DDD	YYY- 48-DDD	YYY-MMM-DDD
BEGIN 03/13/03			
62	NOTICE OF APPEAL OF RIGHTS		CLK WCC
63	Remand to county jail		CLK WCC
64 03/17/03	FINAL ORDER OR JUDGMENT FILED		CLK DRB
	/COMMIT TO MDOC		CLK
65 06/14/10	Removed COLLECT status - PRIS		CLK LLP
66 09/14/11	Letter Sent - Overdue Payment		CLK TMK
67	Stmt Nbr - 1 Text - 101		CLK TMK
68	Tot Due on Stmt - \$120.00		CLK TMK
69 09/28/12	FILE SENT TO MICROFILM		CLK KO
70 11/21/12	FILE RETURNED FROM MICROFILM		CLK KO
71 11/13/13	Letter Sent-2-102-\$120.00		CLK LLP
72 11/21/13	PREV. 879 CENTURY DR. #1005		CLK RR
	ADDR. TROY MI 48083		CLK
	SOURCE: ACCURINT		CLK
73	Letter Sent - 101 - \$120.00		CLK RR
74 01/28/14	Stop Send Overdue Pymt Notice		CLK RR
75 07/15/14	Start Send Overdue Pymt Notice		CLK RR
76	PREV. 31626 SCHOENHERR ROAD, A		CLK RR
	ADDR. WARREN MI 48088		CLK
	SOURCE: ACCURINT		CLK
77	Letter Sent - 103 - \$120.00		CLK RR
78 04/13/18	MONEY ORDERED		CRT ***
	AUTOMATIC LATE FEE ASSESSMENT		CRT
	\$24.00 20% LATE PENALTY FEE		
79 06/01/18	Extracted to a Collect Agency		CLK KLC
80 02/13/20	COLLECT stmt level RESET 900-0		CLK RR
81 02/20/20	Letter Sent-1-101-\$144.00		CLK RR
	END OF SUMMARY		

Original-Court
1st copy Corrections
2nd copy Corrections (for return)

MAR 14 2003

3rd copy-State Police
4th copy-Defendant
5th copy-Prosecutor

Approved, SCAO

STATE OF MICHIGAN
44TH JUDICIAL CIRCUIT COURT

JUDGMENT OF SENTENCE
COMMITMENT TO
DEPARTMENT OF CORRECTIONS

CASE NO.
02-013203-FH-B

ORI 470015J
COURT ADDRESS
JUDICIAL CENTER

Police Report No.

HOWELL

MI 48843

PAGE 1
COURT TELEPHONE NO.
(517) 546-9816

THE PEOPLE OF STATE OF MICHIGAN

Defendant
DEDA, DRITAN,
879 CENTURY DR. #1005
V TROY MI 48083
CTN/TCN: 470200313701
SID: DOB: 8/22/78

Prosecuting attorney name Bar no. Defendant attorney name Bar no.
MORSE, DAVID L., 33093 NISKAR, JOSEPH A., 55538

THE COURT FINDS:

1. The defendant was found guilty on 2/13/03 of the crime(s) stated below:

*Plea: use (G) for guilty plea; (NC) for nolo contendere; (MI) for guilty but mentally ill.

*Use (X) if sentence is to be enhanced because of Habitual Offender Act.
CONVICTED BY

CT	PLEA	COURT	JURY	CRIME	CHARGE CODE(S)	
					MCL	CITATION/PACC CODE
1		X		ESCAPE AWAIT TRIAL-FELONY	750.1972	
2		X		ESCAPE AWAIT TRIAL-FELONY	750.1972	CONSPIRE

2. The conviction is reportable to the Secretary of State under
MCL 257.625(20)(b). The defendant's driver license number is: 03 MAR 17

3. HIV testing and sex offender registration is completed.

4. The defendant has been fingerprinted according to MCL 28.243.

IT IS ORDERED:

5. Defendant is sentenced to custody of Michigan Department of Corrections.
This sentence shall be executed immediately.

03 MAR 17
FILED
IN THE
CLERK'S
OFFICE
OF THE
COURT

CT	SENTENCE DATE	MINIMUM YR-MO-DY	MAXIMUM YR-MO	SENTENCE BEGINS	CREDIT MO-DY	OTHER INFORMATION	
1	3/13/03	000-023-000	000-048	3/13/03			
2	3/13/03	000-023-000	000-048	3/13/03			

X 6. Sentence(s) to be served consecutively to: (if this item is not checked,
the sentence is concurrent)

X each other. X case numbers W/FILE 02-12867-FH

7. Defendant shall pay: \$.00 for restitution.

X \$60.00 for DNA sample.

X \$60.00 for Crime Victim Rights Fund.

— \$.00 for forensic lab test.

8. The concealed weapon board shall — suspend for — days

ATTACHMENT B

D 001 DEDA, DRITAN, # DOB: 08/22/78 SEX: M RACE: U
 AKA-DARAJ, KOLE,
 AKA-DEDA, TONY,
 1281 BRIGHTON DRIVE CTN:470200100101 TCN:
 HOLLISTER, CA 95023 SID:
 ATY: NISKAR, JOSEPH A., DLN:XXXXXXXXXXXX ST:XX
 P-55538 787-281-4922 RETAINED PROSECUTOR: MORSE, DAVID L.,
 LOWER DISTRICT: 0053 CTY# 47 CASE# 02-0782-FY PRELIM: WAIVE 04/10/02
 INCARCERATION DATE: DISTRICT ARRAIGNMENT: 04/04/02

R 001 SHERWIN WILLIAMS, , 3750	OWE \$850.00 REC	\$672.60 BAL	\$177.40
R 002 STATE ALARM, ,	OWE \$129.31 REC	\$.00 BAL	\$129.31
R 003 ST TREASURY, UNCLAIMED REST,	OWE \$29.90 REC	\$29.90 BAL	\$.00

Bond History

Num	Amount	Type	Posted Date	Status
1	\$1,000,000.00	Cash/Surety		Cancelled

Charges

Num	Type	Charge (Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp Evt
01	ORG	750.110		BREAK & ENTER W/INTENT	04/02/02	NOC MSH
02	ORG	750.116		BURGLAR'S TOOLS PSS	04/02/02	NOC MSH
03	ORG	750.110	C	BREAK & ENTER W/INTENT	04/02/02	NOC MSH

Assessments

Account	Ordered	Paid	Balance
FINES	\$50.00	\$.00	\$50.00
CRIME VICTIM RIGHTS	\$60.00	\$.00	\$60.00
RESTITUTION	\$979.31	\$702.50	\$276.81
DNA SPECIMEN FEE	\$60.00	\$.00	\$60.00
20% LATE PENALTY FEE	\$34.00	\$.00	\$34.00
TOTAL:	\$1,183.31	\$702.50	\$480.81
PAYMENT DUE:	LATE FEE DATE: 2/11/03		

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	CLK	DRB
1	04/16/02	BURRESS		CASE REASSIGNMENT	CLK	DRB
				FROM: LATREILLE, STANLEY J.,	CLK	
				TO: BURRESS, DANIEL A.,	CLK	
2				RETURN TO CIRCUIT COURT	CLK	DRB
				SET NEXT DATE FOR: 04/19/02 8:30 AM	CLK	
				ARRAIGNMENT	CLK	
3				D.C. JUDGE-HEGARTY	CLK	
4				INFORMATION	CLK	DRB
				CODEFENDANT/CONSOLIDATED	CLK	DRB

5 04/19/02 \$50.00 FINES 02-12866-FH CLK
PAULIN HARUSHA CLK
MONEY ORDERED CRT DRB

6 NOTICE SENT FOR: 05/24/02 8:30 AM CLK CEB
PRE-TRIAL HEARING

7 NOTICE SENT FOR: 06/24/02 8:30 AM CLK CEB
JURY TRIAL

8 NOTICE SENT FOR: 07/08/02 8:30 AM CLK CEB
JURY TRIAL

9 ALTERNATE TRIAL DATE CLK
ARRAIGNMENT CRT DRB

10 WAIVED / CIRCUIT COURT WAIVER OF CRT
ARRAIGNMENT FILED CRT

11 Remand to county jail CLK DRB

12 ATTYS: P- W. McCririe CRT SJB
D- J. Thomas

13 Defendant Arraigned On Record CRT

14 Court Enters A Not Guilty Plea CRT

15 Pre-Trial Set 05/24/02 @ 8:30a CRT

16 Jury Trial Set 06/24/02 @ 8:30 CRT

17 Alt Jury Trial 07/08/02 @ 8:30 CRT

18 Def Motion to Amend Bond CRT

19 Denied CRT

20 PROOF OF SERVICE/NTC TO APPEAR CLK DRB

21 SET NEXT DATE FOR: 05/31/02 8:30 AM CLK WCC

22 PRE-TRIAL HEARING

23 adj from 5/24/02 CLK

24 Order for adj CLK

25 REMOVE NEXT EVENT: 06/24/02 8:30 AM CLK DRB

26 JURY TRIAL

27 adj to 9/9/02 CLK

28 REMOVE NEXT EVENT: 07/08/02 8:30 AM CLK DRB

29 JURY TRIAL

30 SET NEXT DATE FOR: 09/09/02 8:30 AM CLK DRB

31 JURY TRIAL

32 adj from 6/24/02 CLK

33 Order for adj CLK

34 Stip order to adj pth CLK DRB

35 Demand for discovery CLK DRB

36 APPEARANCE CLK DRB

37 ATTORNEY: P-55538 NISKAR CLK

38 Demand for trial by jury CLK

39 FROM: THOMAS, JAMES C., CLK DRB

40 TO: NISKAR, JOSEPH A., CLK

41 PROOF OF SERVICE FILED CLK DRB

42 Substitution of atty CLK DRB

43 consent CLK

44 Order CLK

45 Trial with list CLK DRB

46 PROOF OF SERVICE FILED CLK DRB

47 FROM: NISKAR, JOSEPH A., CLK DRB

48 TO: THOMAS, JAMES C., CLK

49 APPEARANCE CLK DRB

50 ATTORNEY: P-55538 NISKAR CLK

51 FROM: THOMAS, JAMES C., CLK DRB

28 TO: NISKAR, JOSEPH A., CLK
29 PROOF OF SERVICE FILED CLK DRB
08/15/02 REMOVE NEXT EVENT: 09/09/02 8:30 AM CLK DRB
JURY TRIAL
adj to 9/30/02 CLK
30 SET NEXT DATE FOR: 09/30/02 8:30 AM CLK DRB
JURY TRIAL
adj from 9/9/02 CLK
Order for adj CLK
31 PROOF OF SERVICE FILED CLK DRB
08/19/02 SET NEXT DATE FOR: 10/28/02 8:30 AM CLK DRB
JURY TRIAL
adj from 9/30/02 CLK
Order for adj CLK
32 Amended trial witn list CLK DRB
09/30/02 Writ of habeas corpus CLK DRB
MISCELLANOUS HEARING HELD CRT MJP
33 MISCELLANOUS HEARING HELD CRT
10/10/02 Attys: P- W. McCririe CRT
34 D- Joseph Niskar CRT
10/15/02 Date scheduled for JYT CRT
35 MISCELLANOUS HEARING HELD CRT
10/28/02 Def Sworn & Testifies CRT
Plt & Def Waive Trial by Jury CRT
Def Pl N/C to Cnt 1:B & E w/i CRT
nt; Cnt 2: PSS Burg. CRT
Tools; Cnt 3: Consp B & E w/I CRT
Pros recommend 13 month cap on CRT
min. CRT
Ct accepts plea CRT
SEN Set For: 12/11/02 @ 1:30pm CRT
DNA testing & \$60 fee ordered CRT
File 02-13203 Pretrial Conduct CRT
& Closed CRT
Bond Cancelled CRT
38 MISCELLANOUS HEARING HELD CRT DRB
00001 NOLO CONTENDRE CRT
39 MISCELLANOUS HEARING HELD CRT DRB
00002 NOLO CONTENDRE CRT
40 MISCELLANOUS HEARING HELD CRT DRB
00003 NOLO CONTENDRE CRT
51 SET NEXT DATE FOR: 12/11/02 1:30 PM CLK MJP
SENTENCING
36 REFERRAL FOR PRE-SENTENCE REPORT CLK DRB
10/29/02 PLEA AGREEMENT CLK DRB
37 WAIVER OF TRIAL BY JURY CLK DRB
41 Remand to county jail CLK DRB
42 ORDER FOR DNA SAMPLE CLK DRB
43 CERTIFICATION & RETURN OF DNA CLK DRB
44 SAMPLE 11/13/02 CLK
45 NOTICE OF APPEAL OF RIGHTS CLK WCC
12/11/02 Remand to county jail CLK WCC
46 SENTENCING CRT DRB
47 00001 Atty's; P-Mccririe/P-Niskar; CRT
Mdoc-min 13 mos, max 10 yrs w/ CRT
252 days credit; CRT
drb CRT

SENTENCE PRISON: MINIMUM MAXIMUM CREDIT
YYY- 13-DDD 10-MMM-DDD YYY-MMM-252

BEGIN 12/11/02	\$60.00 CRIME VICTIM RIGHTS	979.31 RESTITUTION	
	\$60.00 DNA SPECIMEN FEE		
48	00002 SENTENCING		CRT DRB
	Mdoc-min 13 mos, max 10 yrs w/ 252 days credit;		CRT
SENTENCE PRISON:	MINIMUM YYY- 13-DDD	MAXIMUM 10-MMM-DDD	CREDIT YYY-MMM-252
BEGIN 12/11/02	00003 SENTENCING		CRT DRB
49	Mdoc-min 13 mos, max 10 yrs w/ 252 days credit;		CRT
SENTENCE PRISON:	MINIMUM YYY- 13-DDD	MAXIMUM 10-MMM-DDD	CREDIT YYY-MMM-252
BEGIN 12/11/02			
50 12/16/02	FINAL ORDER OR JUDGMENT FILED /COMMIT TO MDOC		CLK DRB
65	BOND CANCELED (01)		CLK DRB
52 04/04/03	COURT ORDERED PAID RECEIPT# 00191849 AMT \$.00 co-deft pymt 02-12866-fh 110.20		CLK DRB
53 04/24/03	R 001 RESTITUTION DISBURSEMENT RECEIPT# 00179275 AMT \$110.20 co-deft pymt 02-12866-fh		CLK DRB
54 10/08/03	COURT ORDERED PAID RECEIPT# 00197187 AMT \$104.80		CLK DRB
55 10/30/03	R 001 RESTITUTION DISBURSEMENT RECEIPT# 00188162 AMT \$104.80		CLK DRB
56 01/29/04	COURT ORDERED PAID RECEIPT# 00200223 AMT \$.00 co-deft pymt 02-12866-fh 88.83		CLK DRB
57 02/12/04	R 001 RESTITUTION DISBURSEMENT RECEIPT# 00192897 AMT \$88.83 co-deft pymt		CLK DRB
58 03/16/04	COURT ORDERED PAID RECEIPT# 00201726 AMT \$115.62		CLK MCB
59 03/25/04	R 001 RESTITUTION DISBURSEMENT RECEIPT# 00194803 AMT \$115.62		CLK DRB
60 07/19/04	COURT ORDERED PAID RECEIPT# 00205407 AMT \$125.50		CLK DRB
61 08/05/04	R 001 RESTITUTION DISBURSEMENT RECEIPT# 00200815 AMT \$125.50		CLK DRB
62 11/18/04	COURT ORDERED PAID RECEIPT# 00209184 AMT \$127.65		CLK DRB
63 12/09/04	R 001 RESTITUTION DISBURSEMENT RECEIPT# 00207200 AMT \$127.65		CLK DRB
64 03/08/05	COURT ORDERED PAID RECEIPT# 00212027 AMT \$29.90 /state of mi check		CLK DRB
68 09/28/12	FILE SENT TO MICROFILM		CLK KO
66 11/07/12	COLLECT Status - PRISON		CLK RR
67	Removed COLLECT status - PRIS		CLK RR
69 11/21/12	FILE RETURNED FROM MICROFILM		CLK KO
70 11/13/13	Letter Sent-1-101-\$446.81		CLK LLP
71 11/21/13	PREV. 879 CENTURY DR.		CLK RR

72 ADDR. TROY MI 48083
73 SOURCE: ACCURINT
74 Letter Sent - 101 - \$446.81
75 Letter Sent-2-102-\$446.81
76 Stop Send Overdue Pymt Notice
77 Start Send Overdue Pymt Notice
78 PREV. 31626 SCHOENHERR ROAD, A
79 ADDR. WARREN MI 48088
R 003 SOURCE: ACCURINT
RESTITUTION DISBURSEMENT
RECEIPT# 02191966 AMT \$29.90
**Updated records
MONEY ORDERED
AUTOMATIC LATE FEE ASSESSMENT
\$34.00 20% LATE PENALTY FEE
80 Extracted to a Collect Agency
81 COLLECT stmt level RESET 900-0
82 Letter Sent-1-101-\$480.81
END OF SUMMARY

STATE OF MICHIGAN JUDGMENT OF SENTENCE CASE NO.
 44TH JUDICIAL CIRCUIT COURT COMMITMENT TO 02-012867-FH-B
 DEPARTMENT OF CORRECTIONS

ORI 470015J Police Report No. PAGE 1
 COURT ADDRESS HOWELL COURT TELEPHONE NO.
 JUDICIAL CENTER MI 48843 (517) 546-9816

THE PEOPLE OF STATE OF MICHIGAN

Defendant
 DEDA, DRITAN,
 AKA-DARAJ, KOLE,
 879 CENTURY DR.
 V TROY MI 48083
 CTN/TCN: 470200100101
 SID: DOB: 8/22/78

Prosecuting attorney name Bar no. Defendant attorney name Bar no.
 MORSE, DAVID L., 33093 NISKAR, JOSEPH A., 55538

THE COURT FINDS:

1. The defendant was found guilty on 10/28/02 of the crime(s) stated below:

*Plea: use (G) for guilty plea; (NC) for nolo contendere; (MI) for guilty but mentally ill.

*Use (X) if sentence is to be enhanced because of Habitual Offender Act.
 CONVICTED BY CHARGE CODE(S):

CT	PLEA	COURT	JURY	CRIME	MCL CITATION/PAGE	CODE
1	NC	-	-	BREAK & ENTER W/INTENT	750.110	DEC 16
2	NC	-	-	BURGLAR'S TOOLS PSS	750.116	MISSION COUNTY
3	NC	-	-	BREAK & ENTER W/INTENT	750.110 CONSPIRE	FILED

- 2. The conviction is reportable to the Secretary of State under MCL 257.625(20)(b). The defendant's driver license number is: PH 4
- 3. HIV testing and sex offender registration is completed. 29
- 4. The defendant has been fingerprinted according to MCL 28.243. CLERK

IT IS ORDERED:

5. Defendant is sentenced to custody of Michigan Department of Corrections.
 This sentence shall be executed immediately.

CT	SENTENCE DATE	MINIMUM YR-MO-DY	MAXIMUM YR-MO	SENTENCE BEGINS	CREDIT MO-DY	OTHER INFORMATION
1	12/11/02	000-013-000	010-000	12/11/02	000-252	
2	12/11/02	000-013-000	010-000	12/11/02	000-252	
3	12/11/02	000-013-000	010-000	12/11/02	000-252	

- 6. Sentence(s) to be served consecutively to: (if this item is not checked, the sentence is concurrent)
 - each other. - case numbers _____

7. Defendant shall pay: \$979.31 for restitution.
 \$60.00 for DNA sample.
 \$60.00 for Crime Victim Rights Fund.

STATE OF MICHIGAN JUDGMENT OF SENTENCE CASE NO.
44TH JUDICIAL CIRCUIT COURT COMMITMENT TO 02-012867-FH-B
DEPARTMENT OF CORRECTIONS

ORI 470015J Police Report No. PAGE 2
COURT ADDRESS HOWELL MI 48843 COURT TELEPHONE NO.
JUDICIAL CENTER (517) 546-9816

Prosecuting attorney name Bar no. Defendant attorney name Bar no.
MORSE, DAVID L., 33093 NISKAR, JOSEPH A., 55538

\$.00 for forensic lab test.

9. Court recommendation:

Date: Dec 16, 2002 Judge: Daniel A. Burress Bar No: 11445
DANIEL A. BURRESS

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deeves Boardman)
Deputy court clerk

MCL 765.15(2), MCL 769.16a, MCL 775.22, MCL 780.766, MCR 6.427(A)

CC 219b (3/02) JUDGMENT OF SENTENCE, COMMITMENT TO DEPARTMENT OF CORRECTIONS

ATTACHMENT C

DWB

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

Case No(s). 02-12867-FH

Dritan Deda,
Defendant.

GUilty PLEA FORM
NO CONTEST

1. Name Dritan Deda Age _____ Date of Birth _____
2. Formal schooling consists of _____
3. Do you read, write and understand the English language? Yes
4. Are you presently under the influence of alcohol or any controlled substance? No
5. You are presently offering a plea of guilty to:

Count I. Name: Breaking & Entering
Statute: MCL: 750.110 MSA: _____

Please check applicable line:

- (X) Guilty as charged
() Lesser Included Offense
() Dismissed as part of this plea

Maximum Penalty of Count I:

10 years

Count II. Name: Possession of Burglar Tools
Statute: MCL: 750.116 MSA: _____

Please check applicable line:

- (X) Guilty as charged
() Lesser Included Offense
() Dismissed as part of this plea

Maximum Penalty of Count II:

10 years

02 CR 129 AM 8:30
Dirtan Deda
Livingston County Clerk

Count III. Name: Conspiracy to Commit B+E
Statute: MCL: 750.157a(a) MSA: _____

Please check applicable line:

- () Guilty as charged
() Lesser Included Offense
() Dismissed as part of this plea

Maximum Penalty of Count III:

10 years

Count IV. Name: _____

Statute: MCL: _____ MSA: _____

Please check applicable line:

- () Guilty as charged
() Lesser Included Offense
() Dismissed as part of this plea

Maximum Penalty of Count IV:

6. Do you understand that the plea of guilty that you are now offering to this charge has the same legal effect as a conviction at a trial? Yes

Do you understand that if you are presently on probation or parole for any other conviction that the plea of guilty that you are now offering could result in a revocation of that status and might subject you to the full penalties of the prior conviction? Yes

Are you presently on probation or parole for any other conviction? No

If yes, explain.

7. Has your lawyer explained to you the nature of the charge against you to your complete satisfaction? Yes

Are you satisfied with the services of your attorney? Yes

8. What is the maximum sentence on this charge? 10 years
What is the minimum sentence, if any? 0 (Probation)
9. Do you understand that you are entitled to a trial? Yes
(A) that trial could be by a jury? Yes
OR
(B) if you choose, and prosecutor and the Court consent, your trial could be in front of the judge sitting without a jury? Yes
10. Do you understand that if the Court accepts your plea that you will not have a trial of any kind? Yes
11. Do you understand that you have the following rights at a trial?
(A) to be presumed innocent until proven guilty Yes
(B) to have the prosecutor prove, beyond a reasonable doubt, that you are guilty Yes
(C) to have the witnesses against you appear at the trial Yes
(D) to question the witnesses against you Yes
(E) to have the Court order your witnesses to appear at the trial Yes
(F) to remain silent during the trial Yes
(G) to not have that silence used against you Yes
(H) to testify at the trial if you want to Yes

Do you further know and understand that if the judge accepts the plea that you are now offering, you are giving up all the rights you would have at a trial, including the above enumerated rights? Yes

12. Is the plea that you are now offering the result of a plea agreement between the parties? Yes
13. The plea agreement is as follows:

Sentencing Agreement to no more than 13 (thirteen months) to run concurrently with each other on each count

(A) Has anyone promised anything beyond what is in the plea agreement? _____

(NOTE: Court must confirm with both attorneys and the defendant the accuracy of the plea bargaining agreement and ask each side to confirm the same on the record. If the Court is in any way a party to the plea agreement the Court shall state its knowledge and agreement to the plea arrangement.)

(B) If the plea agreement and its terms provide for your plea to be made in exchange for a specific sentence disposition or a prosecutorial sentence recommendation the Court may:

- (1) Reject the agreement _____
- (2) Accept the agreement after considering the presentence report, in which event this Court must sentence you to the sentence agreed to or recommended by the prosecutor
- (3) Accept the agreement without having considered the presentence report _____
- (4) Take the plea agreement under advisement _____

(C) If the Court accepts the plea agreement without considering the presentence report or takes the plea under advisement, then the Court is not bound to follow the sentence disposition or recommendation agreed to by the prosecutor. _____

(D) If the Court chooses not to follow the plea agreement you will be allowed to withdraw from the plea agreement. _____

14. Have you been promised by the Court, the prosecutor or by your attorney that you would be put on probation or that you would receive any other specific type of sentence in return for the plea that you are now offering? No

15. Have you ever been promised that if you plead guilty to this charge, you would be treated more leniently than if you exercised your right to have a trial? No

16. Has anyone threatened you or attempted in any manner to force you to enter this plea? No

(NOTE: Court must confirm with prosecutor and defense counsel whether either is aware of any promises, threats, or inducements other than those already disclosed on the record)

17. (A) Are you offering this plea of guilty because you really are guilty? Yes

(B) Have you reviewed your Constitutional rights with your attorney and do you feel that it is in your best interest to plead guilty at this time? Yes

(C) Is it your own choice to plead guilty? Yes

18. (Defendant must now write out what he/she actually did in the commission of this offense.
When - Where - What?)
-
-
-

19. This is your last chance. Are you telling the Court that you understand what you are doing in offering a plea of guilty and that you are voluntarily pleading guilty because you are guilty? Yes

20. Do you understand that if the Court accepts this plea that an appeal from the conviction and sentence pursuant to the plea will be by application for leave to appeal and not by right? You are not entitled to have counsel appointed at public expense to assist you in filing an application for leave to appeal or to assist with other postconviction remedies unless you are financially unable to retain counsel and, your sentence exceeds the guidelines, the plea is conditional, the prosecuting attorney seeks leave to appeal, or the Court of Appeals or the Supreme Court grants leave to appeal. Yes

21. Do you understand that if the Court accepts this plea, that you are giving up any claim that the plea was the result of promises or threats that were not disclosed to the Court during this plea proceeding, or that it was not your own choice to enter the plea? Yes

(NOTE: The Court must confirm with the prosecutor and defense counsel if they believe that the Court has complied with Michigan Court Rules pertaining to the taking of a plea.)

I represent to the Court that all of the foregoing questions have been read and explained to me by my lawyer and that my answers are true and correct. I hereby waive my right to a trial by jury and freely and voluntarily plead guilty to the charge(s) of:

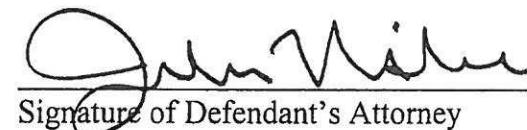
Breaking + Entering, Possession of Burglar Tools, Conspiracy
to Commit Breaking + Entering


Signature of Defendant

10-28-2002

Date of Signature

I, Joseph A. Nishne, attorney for Deitan Deda, hereby certify that I have explained to him/her the legal significance of his/her answers to those questions and that the defendant signed this document in my presence and, I believe he/she understands what he/she is doing.


Signature of Defendant's Attorney

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